

AO 106 (Rev. 04/10) Application for a Search Warrant

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Virginia

JUN 22 2017

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Dropbox, Inc. account  
User: 285235664 Email:  
jerrid.fkunkel@yahoo.com

Case No. 1:17-SW-367

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
18 U.S.C. § 2252A(a)(2)  
18 U.S.C. § 2252A(a)(5)(B)Offense Description  
Receiving and Distributing Child Pornography.  
Possession of Child Pornography.

The application is based on these facts:

SEE AFFIDAVIT.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA/SAUSA:

James Burke

Applicant's signature

Special Agent Sherman F. Wooden, Homeland Security Investigations  
Printed name and title

Sworn to before me and signed in my presence.

Date:

6/22/17

/s/

Theresa Carroll Buchanan  
United States Magistrate Judge  
Judge's signatureCity and state: Alexandria, VirginiaThe Honorable Theresa C. Buchanan United States Magistrate Judge  
Printed name and title

**ATTACHMENT A**

**Location to be searched**

The property to be searched is the Dropbox account associated with User ID 285235664 and e-mail address jerrid.fkunkel@yahoo.com that is stored at premises owned, maintained, controlled, or operated by Dropbox, Inc., headquartered at 185 Berry Street, 4th Floor, San Francisco, CA 94107.

**ATTACHMENT B**

**Items to be seized**

**I. Information to be disclosed by Dropbox, Inc.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Dropbox, including any messages, records, files, logs, or information that have been deleted but are still available to Dropbox or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Dropbox is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all folders associated with the account, including stored or preserved copies of files sent to and from the account, the source and destination addresses associated with file, and the date and time at which each file was sent;
- b. All transactional information of all activity of the Dropbox accounts described above, including log files, messaging logs, records of session times and durations, dates and times of connecting, and methods of connecting; and emails “invites” sent or received via Dropbox, and any contact lists.
- c. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration,

methods of connecting, log files, and means and source of payment (including any credit or bank account number);

d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;

e. All records pertaining to communications between Dropbox and any person regarding the account or identifier, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 2252A involving the account associated with the Dropbox account associated with User ID number 285235664 and e-mail address jerrid.fkunkel@yahoo.com pertaining to the possession and distribution of child pornography files.

## **III. Method of delivery**

Dropbox shall disclose responsive data, to include previously preserved data, by sending, on any digital media device, to Special Agent Sherman Wooden at the address 2675 Prosperity Avenue, Suite 400 MS 5114, Fairfax, Virginia 20598-5114. Dropbox may use the U.S. Postal Office or any other courier, notwithstanding 18 USC 2252A or another similar statute or code.

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF**

IN THE MATTER OF THE SEARCH )

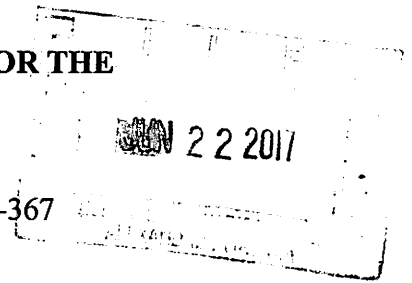
OF: )

Dropbox, Inc. account )

User: 285235664 )

Email: jerrid.fkunkel@yahoo.com )

Case No. 1:17-SW-367



**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Sherman Wooden, being first duly sworn on oath, deposes and states:

1. I am a Special Agent with Homeland Security Investigations, in the Washington, DC field office, and have been so employed since May of 2006. As part of my duties, I investigate violations of federal law, including the online exploitation of children, particularly in relation to violations of Title 18, United States Code, Sections 2251 and 2252A which criminalize, among other things, the production, advertisement, possession, receipt, and transportation of child pornography. I have gained experience in the conduct of such investigations through training in seminars, classes, and work related to conducting these types of investigations. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

2. I make this affidavit in support of an application for a search warrant for information associated with the Dropbox account associated with User ID 285235664 and e-mail address jerrid.fkunkel@yahoo.com that is stored at premises owned, maintained, controlled, or

operated by Dropbox, Inc., headquartered at 185 Berry Street, 4th Floor, San Francisco, CA 94107 hereinafter referred to as "premises," and further described in Attachment A hereto.

**STATUTORY AUTHORITY**

3. This investigation concerns alleged violations of 18 U.S.C. § 2252A, relating to material involving the sexual exploitation of minors.

a. 18 U.S.C. § 2252A(a)(2) prohibits knowingly receiving or distributing any child pornography that has been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer.

b. 18 U.S.C. § 2252A(a)(5)(B) prohibits a person from knowingly possessing any book, magazine, periodical, film, videotape, computer disk, or other material that contains an image of child pornography that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer.

**DROPBOX INC.**

4. I know, based upon my training and experience, and after reading Dropbox's policies and using the software, that "Dropbox" refers to an online storage medium on the internet accessed from a computer, mobile device, or electronic storage device. Dropbox is a free service that allows its users to store files on Dropbox's servers. Dropbox collects and stores files you upload, download, or access with Dropbox. Dropbox makes it possible for the user to have access to saved files without the requirement of storing said files on their own computer or other

electronic storage device. Dropbox is an “offsite” storage medium for data that can be viewed at any time from any device capable of accessing the internet. Users can store their files on Dropbox and avoid having the files appear on their computer. Anyone searching an individual’s computer that utilizes Dropbox would not be able to view these files if the user opted only to store them at an offsite storage medium like Dropbox. These are often viewed as advantageous for collectors of child pornography in that they can enjoy an added level of anonymity and security.

5. Dropbox provides a variety of on-line services, including online storage access, to the general public. Dropbox allows subscribers to obtain accounts at the domain name [www.dropbox.com](http://www.dropbox.com). Subscribers obtain a Dropbox account by registering with an email address. During the registration process, Dropbox asks subscribers to provide basic personal identifying information. This information can include the subscriber’s full name, physical address, telephone numbers and other identifiers, alternative e-mail addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number).

6. When the subscriber transfers a file to a Dropbox account, it is initiated at the user’s computer, transferred via the internet to the Dropbox servers, and then can automatically be synchronized and transmitted to other computers or electronic devices that have been registered with that Dropbox account. This includes online storage in Dropbox servers. If the subscriber does not delete the content, the files can remain on Dropbox servers indefinitely. Even if the subscriber deletes their account, it may continue to be available on the Dropbox servers for a certain period of time.

7. Dropbox users can also create a shared link if the users want to share access to their Dropbox files. A Dropbox account is not required in order to use a shared link to access the users' files. Anyone with access to the shared link can view and even download the files. Shared links stay active until the creator of the link either deletes the link or the link is banned because it generates too much traffic.

8. Online storage providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account, and other log files that reflect usage of the account. In addition, online storage providers often have records of the IP address used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help identify which computers or other devices were used to access the account.

9. In some cases, Dropbox account users will communicate directly with Dropbox about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Online storage providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.



### **BACKGROUND OF THE INVESTIGATION**

10. Between January 25, 2017, and February 2, 2017, Homeland Security (“HSI”) agents assigned to the Child Exploitation Unit in Fairfax, Virginia, were investigating the trafficking of child pornography by users of an internet-based group chat website hereinafter referred to as “Website A.”<sup>1</sup> Website A” is available to the general public and is used both by persons interested in exchanging child pornography and/or sexually abusing children, as well as for legitimate, non-criminal purposes. “Website A” allows users to create chat rooms and converse on different topics. Users communicate in chat rooms on “Website A” using aliases called “nicknames” that the user selects. If another user has already selected a particular nickname within that particular room, the user will be prompted to create a different nickname.

11. Between January 25, 2017, and February 2, 2017, an HSI special agent assigned to the Child Exploitation Unit, acting in an undercover capacity in an HSI office located in Fairfax, Virginia, utilized Website A and observed an individual in an internet-based chat room post a unique Dropbox web link. This Dropbox web link was visible and available for anyone who was in the room at the time the web link was posted. When the HSI special agent clicked on the Dropbox web link, the HSI special agent was able to view the files located within the link. The files appeared to the agent to be child pornography based on the agent’s training and

---

<sup>1</sup> The actual name of “Website A” is known to law enforcement. “Website A” remains active and disclosure of the name of the website would potentially alert its users to the fact that law enforcement action is being taken against users of the website, thereby provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, to protect the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the website will be identified herein as “Website A.”

experience. The files located within the link were not password protected. The undercover HSI agent then downloaded the files; as discussed above, a Dropbox account was not necessary to do so. The HSI special agent also took screenshots of the Dropbox folder that contained the suspected child pornography files. The Dropbox files are described below:

- a. On January 26, 2017, at approximately 4:31 Eastern Standard Time (EST), a Website A chat room user “tyg” posted the following Dropbox link to the chat room “pedol”:

**<https://www.dropbox.com/sh/8erxu8manxjjwe1/AABMr8F-0JYEg2v7xpzBOqSpa?dl=0>**

Your Affiant viewed a screen shot of the Dropbox web page that opened when the agent clicked on the hyperlink. The files were in a folder titled “LuvLittles Secret Stash”, which folder contained approximately 340 images and videos of prepubescent female minors engaged in sexual acts. One image titled “Photo Aug 24, 7 33 15 PM.jpg”. Your Affiant viewed the image. It depicted a partially clothed female minor lying down on a bed. Her shirt is pushed up to her neck and her legs are spread apart. An unidentified adult male’s erect penis is inserted into the female minor’s vagina.

12. On or about March 8, 2017, your Affiant sent an administrative summons to Dropbox, Inc. for subscriber information associated with the account for the link described above. On or about March 25, 2017, your Affiant received subscriber information for the account associated with this link. According to Dropbox, Inc., the User ID number 285235664 and e-mail address jerrid.fkunkel@yahoo.com were identified as corresponding to the above Dropbox link.

13. On or about March 6, 2017, and again on May 10, 2017, preservation orders were sent to Dropbox for the account associated with User ID number 285235664 and e-mail address jerrid.fkunkel@yahoo.com.

**CONCLUSION**


14. Based on the aforementioned factual information, your Affiant respectfully submits this Affidavit in support of probable cause for a Warrant to search the location described in Attachment A and seize the items described in Attachment B which are in violation of 18 U.S.C. § 2252A including items of instrumentality for those crimes.

15. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. *See also* 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is a “district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).



Sherman F. Wooden  
Special Agent  
Homeland Security Investigations

SUBSCRIBED AND SWORN to before me  
this 22 day of June, 2017.



/s/  
Theresa Carroll Buchanan  
United States Magistrate Judge

United States Magistrate Judge

**ATTACHMENT A**

**Location to be searched**

The property to be searched is the Dropbox account associated with User ID 285235664 and e-mail address jerrid.fkunkel@yahoo.com that is stored at premises owned, maintained, controlled, or operated by Dropbox, Inc., headquartered at 185 Berry Street, 4th Floor, San Francisco, CA 94107.

**ATTACHMENT B**

**Items to be seized**

**I. Information to be disclosed by Dropbox, Inc.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Dropbox, including any messages, records, files, logs, or information that have been deleted but are still available to Dropbox or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Dropbox is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all folders associated with the account, including stored or preserved copies of files sent to and from the account, the source and destination addresses associated with file, and the date and time at which each file was sent;
- b. All transactional information of all activity of the Dropbox accounts described above, including log files, messaging logs, records of session times and durations, dates and times of connecting, and methods of connecting: and emails “invites” sent or received via Dropbox, and any contact lists.
- c. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration,

methods of connecting, log files, and means and source of payment (including any credit or bank account number);

d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;

e. All records pertaining to communications between Dropbox and any person regarding the account or identifier, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 2252A involving the account associated with the Dropbox account associated with User ID number 285235664 and e-mail address [jerrid.fkunkel@yahoo.com](mailto:jerrid.fkunkel@yahoo.com) pertaining to the possession and distribution of child pornography files.

## **III. Method of delivery**

Dropbox shall disclose responsive data, to include previously preserved data, by sending, on any digital media device, to Special Agent Sherman Wooden at the address 2675 Prosperity Avenue, Suite 400 MS 5114, Fairfax, Virginia 20598-5114. Dropbox may use the U.S. Postal Office or any other courier, notwithstanding 18 USC 2252A or another similar statute or code.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC  
BUSINESS RECORDS PURSUANT TO FEDERAL RULE  
OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by \_\_\_\_\_, and my official title is \_\_\_\_\_. I am a custodian of records for \_\_\_\_\_. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of \_\_\_\_\_, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of \_\_\_\_\_; and
- c. such records were made by \_\_\_\_\_ as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature